

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF A LOCAL RULE)

FOR SULLIVAN COUNTY)

Case No.

77500-1108-MS-501

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Sullivan Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Sullivan Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR77-AR1-1 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR77-AR1-1 for Sullivan Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2012. The Clerk of this Court is directed to forward a copy of this Order to the Hon. P.J. Pierson, Sullivan Circuit Court, 100 Courthouse Square, #306, Sullivan, IN 47882-1592; the Hon. Robert E. Springer, Sullivan Superior Court, 100 Courthouse Square, #301, Sullivan, IN 47882-1592; to the Clerk of the Sullivan Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Sullivan Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website at least thirty (30) days prior to taking effect.

DONE at Indianapolis, Indiana, this 17th day of August, 2011.

A handwritten signature in blue ink, appearing to read "Randall T. Shepard".

Randall T. Shepard
Chief Justice of Indiana

ACTING CHIEF JUSTICE

LR77-AR1-1 SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES *(Effective January 1, 2012)*

A. Sullivan Circuit Court: The Sullivan Circuit Court shall have exclusive jurisdiction over the following Court dockets:

1. Juvenile Delinquency;
2. Adoptions;
3. Guardianships;
4. Estates;
5. Civil Commitments; and
6. Juvenile Paternity

B. Sullivan Superior Court: The Sullivan Superior Court shall exclusive jurisdiction over the following Court dockets:

1. Small Claims;
2. Traffic Violations;
3. Infractions;
4. Felony offenses charged under I.C. 9-30-5-3 and I.C. 9-30-5-4;
5. CHINS;
6. Civil Venue cases from Vigo County until 08/09 at which time the Courts will reassume concurrent jurisdiction; and
7. Dissolution cases filed to establish and/or enforce child support orders for unmarried couples.

C. Concurrent Jurisdiction: The Sullivan Circuit Court and the Sullivan Superior Court will each have jurisdiction over the following Court dockets:

1. Civil;
2. Criminal Misdemeanors;
3. Civil Venue (effective 08/09);
4. Criminal Venue;
5. Protective Orders;
6. Dissolution cases of married couples and legal separations; and
7. Criminal Felony cases (effective 08/09)

D. Random Case Assignment: Cases involving concurrent jurisdiction shall be assigned randomly by the Clerk of the Sullivan Circuit and Superior Courts. This shall be accomplished by utilizing JTS Case Tracking Software which randomly assigns cases on a 50:50 ratio between the Sullivan Circuit Court and the Sullivan Superior Court. However, there are some instances in which random case assignment will not be conducted. Those exceptions are as follows:

1. Criminal Felony Case Assignment:
 - A. As stated in (B)(4), the Sullivan Superior Court shall have exclusive jurisdiction over all felony cases filed under I.C. 9-30-5-3 and I.C. 9-30-5-4. The Clerk of the Courts will override the random case assignment process and assign all felony cases filed under I.C. 9-30-5-3 and I.C. 9-30-5-4 to the Sullivan Superior Court.
 - B. If a criminal non-support of a dependent child case is filed and a Sullivan Court has a pending case in which the child support obligation was either established or enforced, then the criminal non-support case shall be filed in the same Court in which the child support obligation was established or enforced. The Clerk of the Courts will override the random case assignment process and assign the criminal non-support case to the appropriate Court.
2. Criminal Misdemeanor Case Assignment: Random case assignment will be employed for all criminal misdemeanors filed. However, rather than a ratio of 50:50, the Clerk will assign these cases at a ratio of 75:25 with seventy-five percent (75%) of the criminal misdemeanor cases being filed in the Sullivan Superior Court and twenty-five percent (25%) of the criminal misdemeanor cases being filed in the Sullivan Circuit Court.
3. Companion Civil Filings: In the event two or more civil cause are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will utilize random case assignment to assign a Court to the first cause. The Clerk of the Courts will then override the random case assignment process and assign any companion cases the same Court
4. Subsequent Criminal Filings: The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal cases pending against an individual filed in the same Court. Therefore, when a criminal case is filed, the Prosecuting Attorney and the Clerk shall determine if the accused has additional criminal charges pending. If there is another criminal charge pending in either Court, the new criminal charge shall be filed in the same Court where charges are pending. When the new criminal charge is filed in the Court where additional criminal charges are pending, the Clerk shall override the random case assignment and assign the new criminal charge to the appropriate Court.

E. Transfer: The Judge of the Sullivan Circuit Court or the Sullivan Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.

F. Refilings: When the filing party and/or the State of Indiana dismisses a case and chooses to refile that case, the case shall be reassigned to the Court from which the dismissal was taken.